

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JERMAINE PIPER,	§
	§
Defendant Below-	§ No. 285, 2010
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 0811013861
Plaintiff Below-	§
Appellee.	§

Submitted: April 8, 2011
Decided: June 13, 2011

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This 13th day of June 2011, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) This is appellant Jermaine Piper's direct appeal following his conviction by a Superior Court jury of one count of failure to verify his status as a homeless sex offender within thirty days. The Superior Court sentenced Piper as a habitual offender to two years at Level V incarceration to be followed by one year at decreasing levels of supervision. Piper voluntarily waived his right to counsel at trial. He filed this appeal *pro se*. After careful consideration of the matter, we find no merit to Piper's appeal. Accordingly, we affirm the Superior Court's judgment.

(2) The evidence presented by the State at trial established that Piper was a convicted sex offender. As a result, Piper was required to register as a Tier II sex offender in 2008. Because of his status as a homeless sex offender, Piper was required to verify his status and his whereabouts every thirty days with the Sex Offender Registry Unit.¹ On October 14, 2008, Piper initially registered with the State Bureau of Identification in Dover. He was advised at that time that he was required to verify his status in person at that location every thirty days. Piper did not appear again to verify his status until August 15, 2009. Piper did not testify or present any witnesses in his own defense. In his closing argument, Piper contended that because he registered in October 2008 as a homeless person residing in Sussex County, Delaware that Kent County did not have jurisdiction over him. The jury convicted Piper as charged.

(3) In his opening brief and supplemental filings, including a purported writ of prohibition, Piper again argues that Kent County did not have jurisdiction over him or his offense and that his case only could have been tried in Sussex County. There is simply no merit to Piper's argument.

(4) Piper initially registered in Kent County as a homeless Tier II sex offender. He was informed at that time that he had to return to Dover to

¹ Del. Code Ann. tit. 11, § 4121(k)(2) (2007) provides that a Tier II sex offender who is designated as "homeless" must appear in person every thirty days at a designated location to verify all registration information after completing the initial registration form.

verify his status every thirty days. He failed to do so. He was arrested by Milford police² on August 15, 2009 and was indicted by the Kent County grand jury on September 8, 2009. Venue on Piper's charge was proper in Kent County because that is where he failed to appear to verify his status³ and, thus, Kent County is where the crime occurred.⁴

(5) To the extent Piper challenges the credibility of the witnesses, the jury is the sole trier of fact and is charged with resolving any discrepancies in the testimony.⁵ In this case, the evidence was more than sufficient for any rational trier of fact, viewing the evidence in the light most favorable to the State, to find Piper guilty beyond a reasonable doubt of failing to verify his status as a homeless sex offender within thirty days.⁶

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice

² Piper seems to suggest that, because the warrant for his arrest was issued by a Justice of the Peace Court in Sussex County, that he could only be tried in Sussex County. This is not true. A Justice of the Peace Court has jurisdiction that is coextensive with the State. *See* Del. Const. art. IV, § 16. Thus, process may issue out of each court in any county into every county. Where the case is tried, however, normally depends on where the crime has been committed.

³ In fact, the officer testified at trial that there was no location in Sussex County where a homeless sex offender could report to verify his status. Thus, a failure to verify charge under 11 Del. C. § 4121(k)(2) could not occur in Sussex County.

⁴ *Taylor v. State*, 402 A.2d 373, 375 (Del. 1979); Del. Super. Ct. Crim. R. 18 (2011) (noting that prosecution of a case should be had in the county in which the offense is alleged to have been committed).

⁵ *Pryor v. State*, 452 A.2d 98, 100 (Del. 1982).

⁶ *Michaels v. State*, 970 A.2d 223, 234 (Del. 2009).